

Senate Amendment 3395

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1 1 Amend Senate File 599 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 469.1 DEFINITIONS.
1 5 For the purposes of this chapter:
1 6 1. "Board" means the Iowa power fund board created
1 7 in section 469.4.
1 8 2. "Committee" means the due diligence committee
1 9 created in section 469.5.
1 10 3. "Director" means the director of the office of
1 11 energy independence.
1 12 4. "Fund" means the Iowa power fund created in
1 13 section 469.7.
1 14 5. "Office" means the governor's office of energy
1 15 independence.
1 16 Sec. 2. NEW SECTION. 469.2 OFFICE OF ENERGY
1 17 INDEPENDENCE.
1 18 The office of energy independence is established to
1 19 coordinate state activities concerning energy
1 20 independence.
1 21 Sec. 3. NEW SECTION. 469.3 DIRECTOR OF OFFICE OF
1 22 ENERGY INDEPENDENCE.
1 23 1. A director of the office of energy independence
1 24 shall be appointed by the governor, subject to
1 25 confirmation by the senate, and shall serve at the
1 26 pleasure of the governor. The governor shall fill a
1 27 vacancy in the office in the same manner as the
1 28 original appointment was made. The director shall be
1 29 selected primarily for administrative ability and
1 30 knowledge concerning renewable energy, renewable
1 31 fuels, and energy efficiency. The salary of the
1 32 director shall be fixed by the governor.
1 33 2. The director shall do all of the following:
1 34 a. Direct the office of energy independence.
1 35 b. Coordinate the administration of the Iowa power
1 36 fund.
1 37 c. Lead outreach and public education efforts
1 38 concerning renewable energy, renewable fuels, and
1 39 energy efficiency.
1 40 d. Pursue new research and investment funds from
1 41 federal and private sources.
1 42 e. Coordinate and monitor all existing state and
1 43 federal renewable energy, renewable fuels, and energy
1 44 efficiency grants, programs, and policy.
1 45 f. Advise the governor and general assembly
1 46 concerning renewable energy, renewable fuels, and
1 47 energy efficiency policy and legislation.
1 48 g. Establish performance measures for determining
1 49 effectiveness of renewable energy, renewable fuels,
1 50 and energy efficiency efforts.
2 1 h. Contract for and utilize assistance from the
2 2 department of economic development and the department
2 3 of natural resources and the utilities board regarding
2 4 assistance in the administration of grants, loans, and
2 5 other financial incentives, and other state agencies
2 6 as appropriate.
2 7 i. Develop a state energy plan.
2 8 j. Submit an annual report to the governor and
2 9 general assembly by November 1 of each year concerning
2 10 the activities and programs of the office, Iowa power
2 11 fund, and other departments related to renewable
2 12 energy, renewable fuels, and energy efficiency. The
2 13 report shall include an assessment of needs with
2 14 respect to renewable energy, renewable fuels, and
2 15 energy efficiency efforts and policy and fiscal
2 16 recommendations for renewable energy, renewable fuels,
2 17 and energy efficiency. In addition, the director
2 18 shall review issues related to transportation of
2 19 biofuels and explore leading and participating in
2 20 multistate efforts related to renewable energy and
2 21 energy efficiency.
2 22 k. Adopt rules pursuant to chapter 17A concerning
2 23 the office, the Iowa power fund, and the programs and
2 24 functions of the office and the fund.

2 25 Sec. 4. NEW SECTION. 469.4 IOWA POWER FUND
2 26 BOARD.
2 27 1. An eighteen-member Iowa power fund board is
2 28 created with the following membership:
2 29 a. The chairperson of the utilities board or the
2 30 chairperson's designee.
2 31 b. The director of the department of economic
2 32 development or the director's designee.
2 33 c. The director of the department of natural
2 34 resources or the director's designee.
2 35 d. The secretary of agriculture or the secretary's
2 36 designee.
2 37 e. Seven members appointed by the governor subject
2 38 to confirmation by the senate. An appointee shall
2 39 have demonstrated experience or expertise in one or
2 40 more of the fields of renewable energy, renewable
2 41 fuels, energy efficiency, greenhouse gas reductions,
2 42 utility operations, agribusiness, research and
2 43 development of new technologies, commercialization of
2 44 new technologies, economic development, and finance.
2 45 The members shall be from the nonpublic sector,
2 46 business, or a research institution.
2 47 f. Seven members serving in an ex officio,
2 48 nonvoting capacity, appointed as follows:
2 49 (1) One member of the senate appointed by the
2 50 majority leader of the senate.
3 1 (2) One member of the senate appointed by the
3 2 minority leader of the senate.
3 3 (3) One member of the house of representatives
3 4 appointed by the majority leader of the house of
3 5 representatives.
3 6 (4) One member of the house of representatives
3 7 appointed by the minority leader of the house of
3 8 representatives.
3 9 (5) One member representing the state board of
3 10 regents appointed by the president of the state board
3 11 of regents.
3 12 (6) One member representing the community colleges
3 13 appointed by the executive director of the Iowa
3 14 association of community college presidents.
3 15 (7) One member representing independent colleges
3 16 and universities appointed by the president of the
3 17 Iowa association of independent colleges and
3 18 universities.
3 19 A legislative member is eligible for per diem and
3 20 expenses as provided in section 2.10.
3 21 2. The members appointed by the governor shall be
3 22 appointed for three-year staggered terms beginning and
3 23 ending as provided in section 69.19. A vacancy on the
3 24 board shall be filled for the unexpired term in the
3 25 same manner as the original appointment was made.
3 26 3. The members of the board shall be reimbursed
3 27 for actual and necessary travel and related expenses
3 28 incurred in the discharge of official duties. Each
3 29 member of the board may also be eligible to receive
3 30 compensation as provided in section 7E.6.
3 31 4. A majority of the voting members of the board
3 32 constitutes a quorum, and a majority of the total
3 33 voting membership of the board is necessary to act in
3 34 any matter within the jurisdiction of the board.
3 35 5. The duties of the board include all of the
3 36 following:
3 37 a. Consider and approve grants, loans, or
3 38 investments and other financial incentives made from
3 39 the fund.
3 40 b. Advise the governor and director concerning
3 41 strategic direction for the fund.
3 42 c. Provide the governor with advice concerning
3 43 economic development, policy, technical issues, and
3 44 strategic direction concerning renewable energy,
3 45 renewable fuels, and energy efficiency.
3 46 d. Direct moneys from the fund to be used to
3 47 purchase private or public technical assistance needed
3 48 to conduct due diligence activities.
3 49 e. Develop a state energy plan.
4 50 Sec. 5. NEW SECTION. 469.5 DUE DILIGENCE
4 1 COMMITTEE.
4 2 1. A seven-member due diligence committee is
4 3 created to review applications that will come before
4 4 the board for financial assistance from moneys in the
4 5 fund. The committee, after a thorough review, shall

4 6 determine whether a proposed project using moneys from
4 7 the fund is practical and shall provide
4 8 recommendations to the board regarding any moneys
4 9 proposed to be expended from the fund. Membership of
4 10 the committee shall consist of the following:
4 11 a. One member designated by the director of the
4 12 office of energy independence with expertise in the
4 13 financing of new businesses.
4 14 b. One member designated by the president of the
4 15 state board of regents.
4 16 c. One member designated by the director of the
4 17 department of economic development.
4 18 d. One member designated by the director of the
4 19 Iowa energy center.
4 20 e. One member designated by the director of the
4 21 department of economic development who represents the
4 22 three targeted industries of biosciences, advanced
4 23 manufacturing, and information technology.
4 24 f. Two members of the Iowa power fund board
4 25 designated by the chairperson of the board.
4 26 2. A majority of the members of the committee
4 27 shall constitute a quorum, and a quorum shall be
4 28 necessary to act on any matter within the jurisdiction
4 29 of the committee.
4 30 3. The director of the office of energy
4 31 independence shall provide office space, staff
4 32 assistance, and necessary supplies and equipment to
4 33 the committee. The director shall budget moneys to
4 34 pay the compensation expenses of the committee. In
4 35 performing its functions, the committee is performing
4 36 a public function on behalf of the state and is a
4 37 public instrumentality of the state.
4 38 Sec. 6. NEW SECTION. 469.6 CONFLICTS OF
4 39 INTEREST.
4 40 If a member of the board or due diligence committee
4 41 has an interest, either direct or indirect, in a
4 42 project for which financial assistance may be provided
4 43 by the board, the interest shall be fully disclosed to
4 44 the board in writing. The member having the interest
4 45 shall not participate in the decision-making process
4 46 with regard to the provision of such financial
4 47 assistance to the project.
4 48 Sec. 7. NEW SECTION. 469.7 IOWA POWER FUND.
4 49 1. An Iowa power fund is created in the state
4 50 treasury under the control of the office. The fund
5 1 shall be separate from the general fund of the state
5 2 and the balance in the fund shall not be considered
5 3 part of the balance of the general fund of the state.
5 4 However, the fund shall be considered a special
5 5 account for the purposes of section 8.53, relating to
5 6 generally accepted accounting principles.
5 7 2. The fund shall be used to further the goals of
5 8 increasing the production, development, and use of
5 9 biofuels and other sources of renewable energy,
5 10 improve energy efficiency, and reduce greenhouse gas
5 11 emissions, and shall encourage, support, and provide
5 12 for research, development, commercialization, and the
5 13 implementation of energy technologies and practices.
5 14 The technologies and practices should reduce this
5 15 state's dependence on foreign sources of energy and
5 16 fossil fuels.
5 17 3. The fund shall consist of appropriations made
5 18 to the fund and other moneys available to and obtained
5 19 or accepted by the office from federal or private
5 20 sources to the credit of the fund. Notwithstanding
5 21 section 12C.7, subsection 2, interest or earnings on
5 22 moneys in the fund shall be credited to the fund.
5 23 Notwithstanding section 8.33, moneys credited to the
5 24 Iowa power fund shall not revert to the fund from
5 25 which appropriated.
5 26 4. The board shall develop criteria for the
5 27 awarding of grants from the fund, and shall submit the
5 28 criteria developed to the general assembly by January
5 29 1, 2008.
5 30 Sec. 8. NEW SECTION. 469.8 IOWA POWER FUND ==
5 31 APPROPRIATION.
5 32 1. There is appropriated from the general fund of
5 33 the state to the office of energy independence for
5 34 each fiscal year of the fiscal period beginning July
5 35 1, 2008, and ending June 30, 2011, the sum of
5 36 twenty-five million dollars to be used for awarding

5 37 grants and making loans from the Iowa power fund
5 38 created in section 469.7.

5 39 2. Of the moneys appropriated to the office and
5 40 deposited in the fund, there shall be allocated on an
5 41 annual basis two million five hundred thousand dollars
5 42 to the department of economic development for deposit
5 43 into the workforce training and economic development
5 44 funds of the community colleges created pursuant to
5 45 section 260C.18A. Of the funds so deposited into the
5 46 workforce training and economic development funds of
5 47 the community colleges, two million five hundred
5 48 thousand dollars shall be used each year in the
5 49 development and expansion of energy industry areas and
5 50 for the department's North American industrial
6 1 classification system for targeted industry areas
6 2 established pursuant to section 260C.18A.

6 3 Sec. 9. IOWA POWER FUND.

6 4 1. There is appropriated from the general fund of
6 5 the state to the legislative council for the fiscal
6 6 year beginning July 1, 2006, and ending June 30, 2007,
6 7 the following amount, or so much thereof as is
6 8 necessary, to be used for the purposes designated:
6 9 For allocation by the legislative council for
6 10 purposes consistent with the Iowa power fund arising
6 11 prior to legislative approval of the criteria to be
6 12 developed pursuant to section 469.7, subsection 4:
6 13 \$ 4,000,000

6 14 2. If the criteria developed pursuant to section
6 15 469.7, subsection 4, are approved or are modified and
6 16 approved by the general assembly in an enactment,
6 17 there is appropriated from the general fund of the
6 18 state to the office of energy independence for the
6 19 fiscal year beginning July 1, 2007, and ending June
6 20 30, 2008, the following amount, or so much thereof as
6 21 is necessary, to be used for the purposes designated:
6 22 For deposit in the Iowa power fund created in
6 23 section 469.7:
6 24 \$ 21,000,000

6 25 Of the moneys appropriated to the office and
6 26 deposited in the fund, there shall be allocated on an
6 27 annual basis two million five hundred thousand dollars
6 28 to the department of economic development for deposit
6 29 into the workforce training and economic development
6 30 funds of the community colleges created pursuant to
6 31 section 260C.18A. Of the funds so deposited into the
6 32 workforce training and economic development funds of
6 33 the community colleges, two million five hundred
6 34 thousand dollars shall be used each year in the
6 35 development and expansion of energy industry areas and
6 36 for the department's North American industrial
6 37 classification system for targeted industry areas
6 38 established pursuant to section 260C.18A.

6 39 Sec. 10. EFFECTIVE DATE. This Act, being deemed
6 40 of immediate importance, takes effect upon enactment.>
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6 44 JEFF ANGELO
6 45 SF 599.701 82
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